



FACT SHEET

WETLANDS #8

Office of Water Resources / Fall 2001

Flowing or Standing Water Wetlands

Not sure if you have a wetland on your property? There are many different types of freshwater wetlands in Rhode Island as defined by the *Freshwater Wetlands Act* and the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act*. This fact sheet is designed to help you understand **flowing or standing water wetlands** including rivers, streams or intermittent streams, ponds, special aquatic sites, areas subject to flooding, area subject to storm flowage, and flowing body of water. Following are the official definitions of flowing or standing water wetlands:

- *A **River** is a body of water designated as a perennial stream by the U.S. Department of Interior Geologic Survey on 7.5-minute series topographic maps and which is not a Pond as defined below.
Act Section 2-1-20(j) & Rule 5.73
- *A **Stream or Intermittent Stream** is a flowing body of water or watercourse other than a river which flows during sufficient periods of the year to develop and maintain defined channels. Such watercourses carry groundwater discharge and/or surface runoff. Such watercourses may not have flowing water during extended dry periods but may contain isolated pools or standing water.
Rule 5.84
- ***Intermittent Stream** See Stream.
Rule 5.44
- A **Pond** is a place not less than one-quarter acre in extent, natural or manmade, wholly or partly within the state of Rhode Island, where open standing or slowly moving water shall be present for at least six months a year.
Act Section 2-1-20(e) & Rule 5.62
- A **Special Aquatic Site** is a body of open standing water, either natural or manmade, which does not meet the definition of Pond. A Special Aquatic Site is capable of supporting and providing habitat for aquatic life forms as documented by the presence of standing water during most years as documented on site or by aerial photographs and by the presence of habitat features necessary to support aquatic life forms of obligate wildlife species, or the presence, or evidence of aquatic life forms of obligate wildlife species (excluding biting flies).
Rule 5.81
- An **Area Subject to Flooding** includes, but is not limited to, flood plains, depressions or low lying areas flooded by rivers, streams, intermittent streams, or areas subject to storm flowage which collect,

hold, and/or meter out storm and flood waters.

Rule 5.10

- An **Area Subject to Storm Flowage** includes drainage swales and channels which lead into, out of, and/or connect other freshwater wetlands or coastal wetlands, and which carry flows resulting from storm events but may remain relatively dry at other times.

Rule 5.11

- A **Flowing Body of Water** is any river, stream, or intermittent stream, which flows long enough during the year to develop and maintain defined channels and generally has flowing waters at times other than those periods immediately following storm events. Such watercourses have defined banks, a bed, and maintain visible evidence of flow or continued reoccurrence of flowing water.

Rule 5.38

- A **Wetland Complex** is any wetland ecosystem containing more than one wetland type as described above and as defined within the Act and the Rules.

Rule 5.92

*It is sometimes difficult to decide on the width of a stream/intermittent stream or river. The width of the channel determines the size of the associated riverbank wetland – 100 foot or 200 foot. DEM has limited information on channel widths based on maps, photographs, and past determinations. If this information is not available then you will need to measure the stream/intermittent stream or river channel. This is done by selecting a midpoint of the stream/intermittent stream or river channel based on the midpoint of your project area. Then, a minimum of 10 measurements need to be taken; 5 that are upstream of the midpoint and 5 that are downstream of the midpoint. Measurements should be 20-50 feet apart. Once all the measurements are taken, they can be totaled and divided by the number of measurements, to calculate the average width.

A complete copy of DEM's *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act* can be obtained from DEM's Office of Technical and Customer Assistance located at the Foundry Office Complex at 235 Promenade Street, Providence (401-222-6800). They may also be found on the DEM website at:

<http://www.state.ri.us/dem/programs/benviron/water/permits/fresh/index.htm>

Disclaimer: This Fact Sheet is for general information purposes only and is not meant to be a substitute for the Freshwater Wetlands Act or the *Rules and Regulations Governing the Administration and Enforcement of the Freshwater Wetlands Act*.